THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.28163 of 1997

Date: 14.03.2007

Between:

Narasapuram Toddy Tappers Cooperative Society.

....Petitioner

and

The Government of Andhra Pradesh & others.

....Respondents

O R D E R:

The petitioner is a Toddy Tappers Cooperative Society registered in 1962. Its licence was cancelled vide proceedings, dated 18.10.1997, on the ground that the President of the society was found to have adulterated the toddy with 'diazepam'. The order was preceded by a show cause notice and certain grounds of litigation before this Court.

The petitioner submits that the excise policy for the years 1997-98 provides for continuance licence in case the members, who were found to have indulged in the illegal activities, are either expelled or otherwise have ceased to be the members. The relief is sought for in terms thereof.

Heard the learned counsel for the petitioner and the learned Government Pleader for Prohibition and Excise.

About half a dozen writ petitions came to be filed by the petitioner-society in one context or the other. The net result is that the licence is cancelled on the basis of a finding that the toddy being sold by it was adulterated with 'diazepam'. The attempt of the petitioner is more about availing the benefit under the policy than to challenge the order of cancellation. In fact, this Court cannot sit as an appellate authority over the order of cancellation nor can it re-appreciate the findings of fact.

So far as the relief claimed by the petitioner in terms of excise policy for the years 1997-98 is concerned, it needs to be observed that the excise policy is modified and issued almost for

every year. Grant of relief to the petitioner with reference to the policy of 1997-98 after ten years is totally impermissible. Further, the state of affairs that prevail as on the date of filing of the writ petition has undergone a change and it is stated that some other proceedings have also ensued.

For the foregoing reasons, the writ petition is dismissed, leaving it open to the petitioner to work out its remedies, in accordance with the existing policy. There shall be no order as to costs.

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14.03.2007

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